

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE OUTPATIENT MEDICAL
CENTER EMPLOYEE ANTITRUST
LITIGATION

Civil Action No. 1:21-cv-00305

Honorable Andrea R. Wood

Honorable Sunil R. Harjani

**Defendant Hayek’s Limited Joinder of Co-Defendants’ Reply in Support of Motion to
Dismiss for Failure to State a Claim and Lack of Standing**

Defendant Andrew Hayek, by and through undersigned counsel, hereby joins—in part—the Reply in Support of the Motion to Dismiss filed by defendants Surgical Care Affiliates, LLC, SCAI Holdings, LLC, UnitedHealth Group Incorporated, DaVita Healthcare Partners, Inc. and Kent Thiry (“Co-Defendants’ Reply”) (ECF 99). Specifically, Mr. Hayek joins in Section II (“The Complaint Fails to Plead an Overarching Agreement”) (ECF 99, pp. 12-15) for the reasons stated therein.

Mr. Hayek takes no position on the other sections of the Co-Defendants’ Reply and reserves all rights.

Additionally, Plaintiffs mistakenly state in their Opposition that the Department of Justice filed an indictment against Mr. Hayek (ECF 86, p. 1). This is not true; no indictment has been filed against Mr. Hayek.

Dated: January 3, 2022

Respectfully submitted,

/s/ Jeffrey C. Bank

Jeffrey C. Bank (*pro hac vice*)
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